

**United States District Court
Southern District of Ohio
Western Division**

Travelodge Hotels, Inc.,

Plaintiff

No. C-1-01-784

vs.

Gopal Govan,

Defendant/Third-Party Plaintiff

Magistrate Judge Black

vs.

Cincinnati Travelodge,

Third-Party Defendant

ORDER

A status conference was held on June 28, 2004 in the above-captioned matter.

On January 8, 2004, Plaintiff's motion for summary judgment was granted, and Plaintiff was awarded damages in the amount of \$214,231.57. (*See* Doc. 65). The Court reserved ruling on the amount of damages, if any, Plaintiff shall recover upon the judgment rendered on its claim for an accounting, as well as the amount of attorney fees Plaintiff is entitled to recover. *Id.* at 22. Accordingly, the Court ordered Defendant to account to Plaintiff within 60 days any and all revenue derived as a result of Defendant's unlawful use of the Plaintiff's trademarks (*i.e.*, all "revenue earned during the period of time following termination of the Lease that the property remained marked as a Travelodge"). *Id.*

Defendant has yet to file his accounting with the Court. Defendant, therefore, is **ORDERED** to **FILE** his accounting and supporting memorandum in a manner consistent with

Judge Weber's Order no later than **July 12, 2004**. Per Rule, Plaintiff's responsive memorandum shall be filed within fourteen days of the filing of Defendant's memorandum; and Defendant's reply, if any, shall be filed within seven days of the filing of Plaintiff's memorandum.

Pursuant to the Order of April 29, 2004 (doc. 84), the Magistrate Judge shall resolve the outstanding issues relating to the accounting and recovery of attorneys' fees.

With respect to Defendant/ Third-Party Plaintiff's claims against Third-Party-Defendant, **IT IS HEREBY ORDERED** that:

1. The parties have waived trial to a jury, and the third party claims will be tried to the Court;
2. The parties will exchange copies of exhibit lists and exhibits on or before **Tuesday, August 10, 2004;**
3. The **Final Pre-Trial Conference** will be held at **9:30 a.m. on Wednesday, August 18, 2004**, Room 716, Potter Stewart U.S. Courthouse;
4. **Trial** before United States Magistrate Judge Timothy S. Black will begin at **10:00 a.m. on Tuesday, August 24, 2004**, Room 708, Courtroom 6, Potter Stewart U.S. Courthouse;
5. The parties will file their **Proposed Findings of Fact and Conclusions of Law** by **Friday, September 10, 2004.**

SO ORDERED.

Date: June 29, 2004

s/ Timothy S. Black
Timothy S. Black
United States Magistrate Judge